

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED
NOV - 3 2016
Clerk, U.S. District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARSCENIO TONY NOT AFRAID,

Defendant.

CR 10-88-BLG-SPW

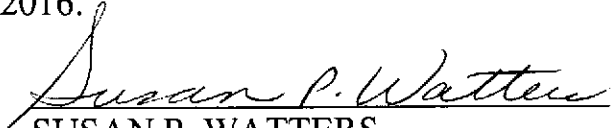
ORDER

On October 20, 2016, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations (Doc. 57) with respect to the September 16, 2016, petition for revocation of Defendant Not Afraid's supervised release (Doc. 48). Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Not Afraid's admissions to the alleged violations, Judge Ostby recommends his supervised release be revoked. Judge Ostby further recommends that this Court sentence Not Afraid to one month incarceration with 59 months of supervised release to follow. Judge Ostby's Findings and Recommendations are without clear error and hereby adopted in full.

IT IS ORDERED that Defendant Not Afraid's supervised release is revoked. Judgment will be entered by separate document.

DATED this 3rd day of November, 2016.


SUSAN P. WATTERS
United States District Judge